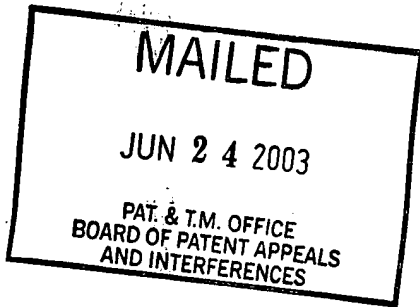


UNITED STATES PATENT AND TRADEMARK OFFICE



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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

\_\_\_\_\_  
Ex parte DAVID AVES

\_\_\_\_\_  
Application No. 09/320,303

\_\_\_\_\_  
ORDER RETURNING UNDOCKETED APPEAL  
\_\_\_\_\_

This application was received at the Board of Patent Appeals and Interferences on June 9, 2003. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith returned to the examiner. The matters requiring attention prior to docketing are identified below.

An amendment after final was filed by appellant on August 16, 2002 (Paper No. 8). The Advisory Action mailed September 25, 2002 (Paper No. 9) indicated that such amendment would be entered upon filing an appeal. Both, the Appeal Brief filed December 30, 2002 (Paper No. 12) and the Examiner's Answer mailed January 29, 2003 (Paper No. 13) indicate that this

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amendment has been entered. A review of the record indicates the amendment was not physically entered.

Accordingly, it is

ORDERED that the application is remanded to the Examiner:

1. for physical entry of the amendment filed August 16, 2002 (Paper No. 8);
2. for notification to appellant in writing of the action taken; and
3. for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By: 

DALE SHAW

Program and Resources Administrator  
(703) 308-9797

cc: Steven M. Hoffberg, Esq.  
Milde Hoffberg & Macklin LLP  
10 Bank Street  
Suite 460  
White Plains, NY 10606

ds/psb/lrc  
RA030393